

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

SHARON L. McGILL
Claimant

VS.

DILLON COMPANIES, INC.
Respondent
Self-Insured

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Docket No. 201,892

ORDER

Respondent appeals from a preliminary hearing Order entered by Administrative Law Judge Floyd V. Palmer on June 24, 1996. The Order granted claimant's request for medical benefits and ordered temporary total disability benefits if claimant is taken off work by the treating physician.

ISSUES

- (1) Whether claimant suffered accidental injury to her left wrist and hand.
- (2) Whether claimant's alleged injury to her left wrist and hand arose out of and in the course of her employment.

Findings of Fact and Conclusions of Law

After reviewing the record and considering the arguments of the parties, the Appeals Board finds that the preliminary hearing Order entered by Administrative Law Judge Floyd V. Palmer should be affirmed. The record in this case presents a quite-close question regarding whether claimant has met her burden of establishing the injury to her left hand and wrist resulted from an accidental injury arising out of and in the course of her employment.

Claimant began work for respondent as a meat cutter on October 17, 1994. On October 25, 1994, she injured her right elbow when she caught it on a metal rim of a cooler. Medical records of initial treatment do not reflect complaints of the left hand and wrist. However, the history shown in the report of Dr. Welch, dated November 22, 1994, reflect that she wakes up with her hands feeling asleep. Her EMG showed evidence of bilateral median neuropathy at the wrist, much greater on the right than the left. It was his impression on November 22, 1994, that claimant had bilateral carpal tunnel more severe on the right. He recommended carpal tunnel release on the right. Claimant continued to work for respondent until December 10, 1994. She testified she continued with the same job duties. That surgery was done on the right by Dr. Melhorn. Dr. Melhorn also recommended release on the left.

Respondent has not challenged the compensability of carpal tunnel on claimant's right hand. However, respondent denies compensability of the carpal tunnel on the left.

The Appeals Board finds that claimant's work activities for respondent at least aggravated the preexisting left carpal tunnel condition. The Appeals Board so concludes for several reasons. First, the record contains no logical alternative explanation for claimant's symptoms. Second, the record reflects claimant worked with her hands in the course of her employment for respondent doing cutting, washing dishes, and scrubbing floors. Claimant testified that after the injury to her right arm she favored the right and used her left more at work. On the balance, the Appeals Board finds the evidence establishes more probably than not claimant's work activities caused or aggravated claimant's carpal tunnel condition on the left.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Floyd V. Palmer dated June 24, 1996, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of September 1996.

BOARD MEMBER

c: Michael C. Helbert, Emporia, KS
Scott J. Mann, Hutchinson, KS
Floyd V. Palmer, Administrative Law Judge
Philip S. Harness, Director